

By: *Jims*

S.B. No. 786

A BILL TO BE ENTITLED

AN ACT

relating to the amount of a civil penalty the Texas Water Commission may assess under the Solid Waste Disposal Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. ^{Subsection (b),} Section 361.252^(b), Health and Safety Code, is amended to read as follows:

(b) The amount of the penalty for each violation of this chapter or of a rule, order, or permit issued under this chapter may not exceed \$25,000 [~~\$10,000-a-day-for-a-person-who-violates this-chapter--or--a--rule,--order,--or--permit--issued--under--this chapter~~]. Each day a violation continues may be considered a separate violation.

SECTION 2. This Act takes effect September 1, 1991, and applies only to violations under Chapter 361, Health and Safety Code, occurring on or after that date. A violation occurring before that date is governed by the law in effect when the violation occurred, and that law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

5-2-91

5-6-91

1 By: Sims

S.B. No. 786

2 (In the Senate - Filed March 5, 1991; March 7, 1991, read
3 first time and referred to Committee on Natural Resources;
4 May 2, 1991, reported favorably by the following vote: Yeas 7,
5 Nays 0; May 2, 1991, sent to printer.)

6 COMMITTEE VOTE

| | Yea | Nay | PNV | Absent. |
|---------------|-----|-----|-----|---------|
| 7 Sims | x | | | |
| 8 Truan | x | | | |
| 9 Armbrister | x | | | |
| 10 Barrientos | x | | | |
| 11 Brown | | | | x |
| 12 Carriker | x | | | |
| 13 Lucio | | | | x |
| 14 Ratliff | | | | x |
| 15 Rosson | x | | | |
| 16 Sibley | x | | | |
| 17 Zaffirini | | | | x |

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39 crowded condition of the calendars in both houses create an
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41 constitutional rule requiring bills to be read on three several
42 days in each house be suspended, and this rule is hereby suspended.

43 * * * * *

44 Austin, Texas
45 May 2, 1991

46 Hon. Bob Bullock
47 President of the Senate

48 Sir:

49 We, your Committee on Natural Resources to which was referred S.B.
50 No. 786, have had the same under consideration, and I am instructed
51 to report it back to the Senate with the recommendation that it do
52 pass and be printed.

53 Sims, Chairman

**FAVORABLE
SENATE COMMITTEE REPORT ON**

(3) SB SCR SJR SR HB HCR HJR 786

By Sims
(Author/Senate Sponsor)

5-2-91
(date of submission to Senate)

Lt. Governor Bob Bullock
President of the Senate

Sir:

We, your Committee on Natural Resources, to which was referred the attached measure, have on 5-2-91, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

| | YEA | NAY | ABSENT | PNV |
|----------------------|-----|-----|--------|-----|
| Sims, Chairman | ✓ | | | |
| Truan, Vice Chairman | ✓ | | | |
| Armbrister | ✓ | | | |
| Barrientos | ✓ | | | |
| Brown | | | ✓ | |
| Carriker | ✓ | | | |
| Lucio | | | ✓ | |
| Ratliff | | | ✓ | |
| Rosson | ✓ | | | |
| Zaffirini | | | ✓ | |
| <u>Sibley</u> | ✓ | | | |
| TOTAL VOTES | 7 | | 4 | |

COMMITTEE ACTION

(S260) Considered in public hearing
(S270) Testimony taken

Lisa Mays
COMMITTEE CLERK

Brian D.
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Deliver one copy of this form to the Calendar Clerk, Room 218 Capitol
Deliver one copy of this form to the Legislative Reference Library, Room 207B Capitol
Retain one copy of this form for Committee files

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

May 1, 1991

TO: Honorable Bill Sims, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

IN RE: Senate Bill No. 786
By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 786 (relating to the amount of a civil penalty the Texas Water Commission may assess under the Solid Waste Disposal Act) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

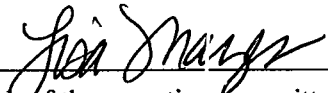
Source: Texas Water Commission;
LBB Staff: JO, JWH, DF, JG, PA

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

Hon. Bill Haley, Chairman
Administration Committee

Sir:

Notice is hereby given that SB 786, by: Sims,
(Bill No.) (author)
was heard by the Committee on Natural Resources on 5-2 19 91,
and reported out with the recommendation that it be placed on the Local Uncontested Bills Calendar.


Clerk of the reporting committee

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE BILL OR RESOLUTION SHOULD BE DELIVERED TO ROOM 419. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS 5:00 P.M. FRIDAY.

Paper clip the original to the bill; retain one copy for reporting committee files; deliver one copy to the bill sponsor.

May 6 1991 Engrossed
Lacey Spaw
Engrossing Clerk

1991 MAY 13 AM 9:13

HOUSE OF REPRESENTATIVES
I certify that the attached is a true and correct
copy of SB 786, which was
received from the Senate on MAY 6 1991, and
referred to the Committee on Natural Resources
Betty Mussery
Chief Clerk of the House
S.B. No. 786

By: Sims
(Lewis of Orange)

A BILL TO BE ENTITLED

AN ACT

relating to the amount of a civil penalty the Texas Water
Commission may assess under the Solid Waste Disposal Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (b), Section 361.252, Health and
Safety Code, is amended to read as follows:

(b) The amount of the penalty for each violation of this
chapter or of a rule, order, or permit issued under this chapter
may not exceed \$25,000 [~~\$10,000-a-day-for-a-person-who-violates~~
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violation occurred, and that law is continued in effect for that
purpose.

SECTION 3. The importance of this legislation and the
crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several
days in each house be suspended, and this rule is hereby suspended.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

May 1, 1991

TO: Honorable Bill Sims, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

IN RE: Senate Bill No. 786
By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 786 (relating to the amount of a civil penalty the Texas Water Commission may assess under the Solid Waste Disposal Act) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Texas Water Commission;
LBB Staff: JO, JWH, DF, JG, PA

HOUSE COMMITTEE REPORT

91 MAY 16 PM 11:41
HOUSE OF REPRESENTATIVES

1st Printing

By: Sims
(Lewis of Orange)

S.B. No. 786

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23 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

May 16, 1991
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred SB 786 have had the same under consideration and beg to report
(measure)

back with the recommendation that it

(x) do pass, without amendment.

() do pass, with amendment(s).

() do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (x) yes () no

An author's fiscal statement was requested. () yes (x) no

A criminal justice policy impact statement was requested. () yes (x) no

An equalized educational funding impact statement was requested. () yes (x) no

An actuarial analysis was requested. () yes (x) no

A water development policy impact statement was requested. () yes (x) no

A federal funds impact statement was requested. () yes (x) no

(x) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

This measure () proposes new law. (x) amends existing law.

House Sponsor of Senate Measure R. Lewis

The measure was reported from Committee by the following vote:

| | AYE | NAY | PNV | ABSENT |
|-----------------|-----|-----|-----|--------|
| Lewis, R., Ch. | x | | | |
| Willy, V.C. | x | | | |
| Collazo, C.B.O. | | | | x |
| Bosse | | | | x |
| Greenberg | x | | | |
| Haggerty | x | | | |
| Hilderbran | x | | | |
| Puente | x | | | |
| Yost | x | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Total

7 aye

0 nay

0 present, not voting

2 absent

Ron Lewis
CHAIRMAN

Deborah K. McCall
COMMITTEE COORDINATOR

SB 786
By: Sims
H. Sponsor: R. Lewis

Committee on
Natural Resources

BILL ANALYSIS

BACKGROUND

Under current law, the maximum penalty that can be assessed for a violation under the Solid Waste Disposal Act is \$10,000 per day. Penalties provide a significant deterrent to private companies and are an important part of the state's enforcement strategy. With the current penalty capped at \$10,000 per day, it is less expensive for some industries to pay the penalties than to bring their plants into compliance.

PURPOSE OF THE BILL

This bill would increase the amount of a civil penalty that may be assessed by the Texas Water Commission for a violation under the Solid Waste Disposal Act.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subsection (b), Section 361.252, Health and Safety Code, to increase the amount of penalty that the water commission may charge from \$10,000 to \$25,000 per violation.

SECTION 2. Effective date: September 1, 1991; provides that this Act applies only to violations under Chapter 361, Health and Safety Code; grandfather clause.

SECTION 3. Emergency clause.

RULEMAKING AUTHORITY

It is the opinion of this committee that this bill does not delegate rulemaking authority to any state agency, officer, department, or institution.

SUMMARY OF COMMITTEE ACTION

Pursuant to an announcement on the House Floor, SB 786 was taken up at a full committee formal meeting on May 16, 1991. The motion to report SB 786 favorably back to the full House with the recommendation that it be placed on the Local and Consent calendar carried by a vote of 7 ayes, 0 nays, 0 PNV and 2 absent.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

May 14, 1991

TO: Honorable Ron Lewis, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

IN RE: Senate Bill No. 786,
as engrossed
By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 786, as engrossed (relating to the amount of a civil penalty the Texas Water Commission may assess under the Solid Waste Disposal Act) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Texas Water Commission;
LBB Staff: JO, JWH, DF, JG, AS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE

May 1, 1991

TO: Honorable Bill Sims, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

IN RE: Senate Bill No. 786
By: Sims

FROM: Jim Oliver, Director

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S.B. No. 786

By Jim

A BILL TO BE ENTITLED

AN ACT:

relating to the amount of a civil penalty the Texas Water Commission may assess under the Solid Waste Disposal Act.

3-5-91
MAR 7 1991 Filed with the Secretary of the Senate
MAY 2 1991 Read and referred to Committee on NATURAL RESOURCES, Subcommittee on water
Reported favorably
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
Ordered not printed
Laid before the Senate
MAY 6 1991 Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
_____ yeas, _____ nays
MAY 6 1991 Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
_____ yeas, _____ nays
MAY 6 1991 Caption ordered amended to conform to the body of the bill.
MAY 6 1991 Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 0 nays.
MAY 6 1991 Read third time, _____, and passed by: { A viva voce vote
_____ yeas, _____ nays

Betty King
SECRETARY OF THE SENATE

OTHER ACTION:

May 6, 1991 Engrossed
5-6-91 Sent to House
Engrossing Clerk Ratsy Spaw

MAY 6 1991 Received from the Senate
MAY 9 1991 Read first time and referred to Committee on NATURAL RESOURCES
MAY 16 1991 Reported favorably amended, sent to Printer at 6:20pm MAY 16 1991
MAY 16 1991 Printed and Distributed 11:41a
17 May 91 Sent to Committee on Calendars LEC 9:17am
Read Second time (amended): passed to third reading (failed)
by (Non-Record Vote) Record Vote of _____ yeas, _____ nays _____ present not voting.
Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays _____ present not voting.
Read third time (amended): finally passed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays _____ present not voting.
Caption ordered amended to conform to body of bill.
Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.
Returned from House with _____ amendments.
Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____, _____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman; _____, _____, _____, _____

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

91 MAY 16 PM 11:41

HOUSE OF REPRESENTATIVES

10 P
water sent